

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ASHLEY PHILLIPS, MARIA NEGRETE,  
TAJA JONES, and ERIN RYAN,

Plaintiffs,

v.

Case No. 2:20-cv-00908-JLB-MRM

LASHOUT BEAUTY BAR, LLC, LUME',  
LASH.BROW.BEAUTY.LLC, KCG LASHES,  
LLC, THOMAS NELSON, MICHELLE,  
NELSON, KENYETTA SMITH, and  
CORRINDA HALLMAN,

Defendants.

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**ORDER**

Defendants move to dismiss Plaintiff Erin Ryan's claims in counts VII and VIII of the complaint for improper venue due to a contractual forum selection clause. (Doc. 16); Fed. R. Civ. P. 12(b)(3). Ms. Ryan has filed a notice of non-opposition requesting dismissal of her claims without prejudice to refile in state court. (Doc. 23.) The Court construes Defendants' motion as a request to dismiss for forum non conveniens, which is the proper procedural mechanism for enforcing a forum selection clause that points to a state forum. See Schrenkel v. LendUS, LLC, Case No. 2:18-cv-382-FtM-29CM, 2018 WL 5619358, at \*4 (M.D. Fla. Oct. 30, 2018).

As the motion is unopposed, it is **ORDERED**:

1. Defendants' motion to dismiss counts VII and VIII is **GRANTED**.
2. Counts VII and VIII are **DISMISSED WITHOUT PREJUDICE** to refile in the appropriate state court.

3. The Clerk of Court is **DIRECTED** to terminate Plaintiff Erin Ryan from the case.

**ORDERED** in Fort Myers, Florida, on January 25, 2021.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive style with a large, stylized initial "J".

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JOHN L. BADALAMENTI  
UNITED STATES DISTRICT JUDGE